

Appl. No. 10/707,340
Amdt. dated 07/07/2005
Reply to Office action of 05/05/2005

REMARKS / ARGUMENTS

The Applicant thanks the Office for the careful consideration given to his application in the communication mailed 05/05/2005. In that communication, claims 3 and 12 were provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 3 and 13 of copending application 09/683,267. Claims 1, 2, 4 – 11, and 13 – 15 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3 and 13 of copending application 09/683,267.

In this Amendment, claims 3 and 12 are canceled to obviate their rejection under 35 U.S.C. 101. A terminal disclaimer is being filed simultaneously with this amendment to obviate the double-patenting rejection of the remaining claims.

Claims 1, 6, 10, and 14 are amended to change the pH range from 6 to 8 to 5 to 8. This range does not read on the prior art for scrubbing NO_x and SO₂, and is supported in the specification at paragraphs 0028 and 0041.

Claim 4 is amended so that it does not depend from claim 3, which has been canceled, and has correct antecedent basis.

Applicant suggests that all remaining claims are allowable as amended, and with the terminal disclaimer, and respectfully requests that a Notice of Allowance be issued in this case.

Respectfully submitted,



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